

STATE OF MICHIGAN
COURT OF APPEALS

JOHN L. TAYLOR,

Plaintiff-Appellant,

v

RONALD J. DEE,

Defendant-Appellee.

UNPUBLISHED

January 31, 2003

No. 237372

Ingham Circuit Court

LC No. 00-092056-NO

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition in this premises liability action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff was stabbed after an altercation with three teenagers that began at defendant's residence. He brought this premises liability action, asserting that defendant should have warned him about the teens' potential for violence, taken steps to prevent the confrontation, and come to plaintiff's aid after the attack. The trial court granted summary disposition to defendant, finding that the outcome was governed by this Court's decision in *Taylor v Laban*, 241 Mich App 449; 616 NW2d 229 (2000).

As a general rule, there is no duty that obligates one person to aid or protect another, absent a special relationship. *Williams v Cunningham Drug Stores, Inc*, 429 Mich 495, 498-499; 418 NW2d 381 (1988). A special relationship exists between landowners and their invitees, imposing a duty on the landowner to exercise reasonable care to protect invitees from an unreasonable risk of harm caused by a dangerous condition of the land. *Id.* A licensee is entitled to be placed upon an equal footing with the possessor by an adequate disclosure of any dangerous conditions that are known to the possessor. *Taylor, supra* at 454. "[A] social host has a duty to control guests, but only to the extent that the host refrain from wilful and wanton misconduct that results in one guest injuring another guest." *Id.* at 457.

In *Taylor*, the plaintiff was injured when he was assaulted by other guests at a party hosted by the defendant. He alleged that defendant was indifferent to the safety of the plaintiff, and committed various acts of omission in failing to come to his aid. The Court stated that it does not readily view omissions to act as willful and wanton misconduct, and the trial court properly granted summary disposition to the defendant. *Id.* at 457-458.

The trial court correctly granted summary disposition to defendant. Plaintiff was a licensee, and did not entrust himself to the control of another. There was no concealed defect present. The three angry boys posed a readily apparent danger, and they were not a condition on the land. Defendant's failure to come to plaintiff's aid was an act of omission, and does not constitute willful and wanton misconduct.

Affirmed.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot